

## REMARKS

As a preliminary matter, Applicants respectfully request consideration of the reference listed on the Information Disclosure Statement filed on February 12, 2004, and an initialed copy of the Form PTO-1449.

Claims 1 and 10 stand rejected under 35 U.S.C. §102(e) as being anticipated by Takayuki (JP Pub. No. 200207815 A). Applicants respectfully traverse this rejection for the reasons given in the Amendment filed on May 10, 2004, which is reasserted here in its entirety. Claims 1 and 10 have been amended in this application to more clearly describe the invention, and to expedite prosecution. As amended, claims 1 and 10 now recite that the rotational speed is decreased when a read or write margin becomes less than or equal to a first predetermined value. Alternative conditions for decreasing the rotational speed have been deleted.

As discussed in previous Amendments, the Takayuki reference teaches that vibrations in the optical disk reproducing device can be detected without using an acceleration sensor such as a G sensor, by determining whether a tracking error signal exceeds a preliminarily set allowable amount. The rotation speed of the disk device is reduced based on the detection of a vibration.

In the present invention, and as now recited in claims 1 and 10, the rotational speed of an optical recording medium is decreased when a read or write margin becomes less than or equal to a first predetermined value. The Takayuki et al. reference itself does not disclose (or suggest) controlling the rotational speed based on a read or write margin. A

tracking error signal as described in Takayuki does not provide any information as to whether a read or write margin is less than or equal to a predetermined value. In fact, there is not even any mention of a read or write margin in Takayuki. Therefore, Takayuki cannot anticipate the present invention as described in claims 1 and 10. For these reasons, claims 1 and 10 and their respective dependent claims 2-9 and 11-18 are allowable over Takayuki.

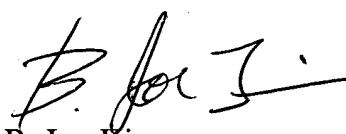
Claims 2-9 and 11-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takashita (U.S. Pat. No. 6,556,524) in view of Takayuki. Applicants respectfully traverse this rejection for the reasons given with respect to claims 1 and 10 from which claims 2-9 and 11-18 depend, and because of the additional features recited in these claims.

New claims 21 and 22 depend respectively from claims 1 and 10, and describe additional conditions for decreasing the rotational speed of the recording medium. Claims 21 and 22 are also allowable over Takayuki for the reasons given with respect to claims 1 and 10.

For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. The Examiner should contact Applicants' undersigned attorney if a telephone conference would expedite prosecution.

Respectfully submitted,

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